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**ILLINOIS COMMERCE COMMISSION**

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ILLINOIS  
COMMERCE COMMISSION

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CHIEF CLERK'S OFFICE  
Docket 05-0131

Peoples Energy Services Corporation )  
)  
Petition for Relief to Protect PE Services' )  
Annual Kilowatt-Hour Report from disclosure )  
for not less than five years in order to protect )  
highly confidential and proprietary information.

**PETITION**

Peoples Energy Services Corporation ("PE Services"), hereby petitions the Illinois Commerce Commission ("Commission") pursuant to Section 200.430 of the Commission's Rules of Practice (83 Ill. Admin. Code §200.430) for relief to protect from disclosure for not less than five years highly confidential and proprietary information included in PE Services' report stating the total annual kilowatt-hours delivered and sold to retail customers within each utility service territory in the preceding calendar year ("Kilowatt-Hour Report"). The Kilowatt-Hour Report relates to PE Services' service in the service territories of Commonwealth Edison Company and Illinois Power Company pursuant to Section 16-115 of the Public Utilities Act (the "Act") and 83 Ill. Admin. Code Part 451 ("Part 451"). In support of this Petition, PE Services states the following:

1. PE Services is certified as an alternative retail electric supplier ("ARES"). The Commission originally granted PE Services a certificate of service to provide services as an ARES in the service territories of Commonwealth Edison Company and Illinois Power Company on September 14, 1999.
2. On February 28, 2005, PE Services submitted its Kilowatt-Hour Report for filing with the Commission via overnight delivery.

3. PE Services' Kilowatt-Hour Report contains confidential trade information and market sensitive information regarding PE Services' provision of service to non-residential customers in Illinois. PE Services considers this information highly proprietary and confidential, the disclosure of which to competitors, or potential competitors, would be detrimental to PE Services.

4. The retail electric service industry is highly competitive and it is essential that public disclosure of the proprietary and confidential information contained in the Kilowatt-Hour Report be avoided for a period of at least five years because of the competitive harm which disclosure of such information would likely cause PE Services.

5. 83 Ill. Admin. Code Section 451.60 provides, in part, as follows: "If an applicant or ARES believes any of the information to be disclosed by an applicant or ARES is privileged or confidential, the applicant or ARES should request that the Commission enter an order to protect the confidential, proprietary or trade secret nature of any data, information or studies pursuant to 83 Ill. Adm. Code 200.430. The applicant or ARES shall designate which information is privileged and confidential. Such information shall be marked as "confidential" and submitted separately under seal to the Chief Clerk of the Commission." In this instance, PE Services, the applicant marked its Kilowatt-Hour Report as confidential.

6. Section 7(g) of the Illinois Freedom of Information Act provides, in part, that the following are exempt from inspection and copying: "trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm." 5 ILCS §140/7. The information contained in PE Services' Kilowatt-Hour Report falls within this exemption.


7. PE Services seeks an Order from the Commission, without hearing, protecting from disclosure, for a period of not less than five years from the date of such Order, the trade information contained in PE Services' Kilowatt-Hour Report.

8. By Order dated April 7, 2004, the Commission previously granted proprietary and confidential treatment to PE Services' kilowatt hour report in Docket No. 04-0175. For the foregoing reasons, there are now compelling reasons for also affording this Kilowatt-Hour Report similar confidential and proprietary treatment.

WHEREFORE, Peoples Energy Services Corporation respectfully requests that the Commission enter an Order, without hearing, protecting from disclosure for a period of not less than five years, PE Services' Kilowatt-Hour Report, which was filed by overnight delivery, with the Chief Clerk of the Commission on February 28, 2005 pursuant to Part 451 regarding PE Services' Kilowatt-Hour Report.

Respectfully submitted,

**PEOPLES ENERGY SERVICES CORPORATION**

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STATE OF ILLINOIS    )  
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COUNTY OF COOK    )

VERIFICATION

Wendy Ito, being first duly sworn, deposes and says that she is Director of Business Planning and Development for Peoples Energy Services Corporation; that she has read the foregoing Petition and knows the contents thereof; and that the statements therein contained are true to the best of her knowledge, information and belief.

By:                     *Wendy Ito*                      
                                  Wendy Ito  
                                  Peoples Energy Services Corporation

SUBSCRIBED and SWORN to  
before me this 28<sup>th</sup> day of February 2005.

                    *Theresa Viramontes*                      
                                  Notary Public

